

STATE OF VERMONT

HUMAN SERVICES BOARD

In re) Fair Hearing No. B-11/08-520
)
 Appeal of)

INTRODUCTION

The petitioners appeal a decision by the Department for Children and Families, Health Access Eligibility Unit, terminating Dr. Dynasaur coverage for petitioners' minor children. The issue is whether petitioners are over-income for the Dr. Dynasaur program. The facts are not in dispute.

FINDINGS OF FACT

1. The petitioners are a married couple who reside with their two minor children. Both the husband and wife are employed.

2. The petitioners completed a Review Application on October 16, 2008. The husband was recently licensed as a journeyman electrician. The husband reported full-time gross wages of \$720 per week. The wife reported full-time gross wages of \$660 per week. The household had gross monthly income of \$5,934.

3. The Department recalculated petitioners' eligibility for the Dr. Dynasaur program. The Department

applied the \$90 employment deduction for each adult and applied a child-care deduction of \$175. The petitioners had countable monthly income of \$5,579 which is in excess of the program maximum for a four person household of \$5,313.

4. The Department issued a Notice of Decision on October 25, 2008 terminating the minor children's eligibility for Dr. Dynasaur effective November 30, 2008. The petitioners filed a timely appeal and have been receiving continuing benefits.

5. A fair hearing was held on January 15, 2009. Petitioners did not dispute the facts but expressed concern because the husband was not given full-time hours during December 2008.

6. The husband's paystubs for December 2008 were admitted into the record. In December, the husband earned \$2,742.86 gross wages. After adding the wife's income and applying the applicable disregards, the petitioners' countable income for December was \$5,225.86 which is less than the program maximum for a household of four.

ORDER

The Department's decision to terminate Dr. Dynasaur is affirmed for the period in which the petitioners were over-income for the program.

REASONS

The Legislature created the Dr. Dynasaur program to provide health coverage to low income pregnant women and to children under the age of eighteen years who do not have health coverage but whose household income exceeds the Medicaid limits. W.A.M. § 3000.

To qualify for Dr. Dynasaur, a household must have income less than 300 percent of the Federal Poverty Level (FPL). M302.26. Household composition includes parents residing with the minor child(ren). W.A.M. § 3001.31.

There is no dispute that at the time the petitioners' eligibility was recertified, their household had countable income in excess of the program maximum of \$5,313 per month for a four person household. P-2420A. Accordingly, the Department's decision to terminate Dr. Dynasaur is affirmed, but the Department should extend eligibility for the period in which their income fell below the program maximums. 3 V.S.A. § 3091(d), Fair Hearing Rule 1000.4(D).

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